



General Assembly

February Session, 2012

***Raised Bill No. 5458***

LCO No. 1836

\*01836\_\_\_\_\_TRA\*

Referred to Committee on Transportation

Introduced by:  
(TRA)

***AN ACT CONCERNING MUNICIPAL AUTOMATED TRAFFIC  
ENFORCEMENT SAFETY DEVICES AT CERTAIN INTERSECTIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) As used in this section  
2 and sections 2 to 4, inclusive, of this act:

3 (1) "Automated traffic enforcement safety device" means a device  
4 that (A) is capable of producing a photographically recorded still or  
5 video image, or combination thereof, of the rear of a motor vehicle or a  
6 motor vehicle being drawn by another motor vehicle, including an  
7 image of the vehicle's rear license plate; and (B) indicates on one or  
8 more of any such image produced, the date and time, and the location  
9 of violation and the traffic control signal;

10 (2) "Owner" means a person or persons in whose name a motor  
11 vehicle is registered under title 14 of the general statutes, or under the  
12 laws of another state or country; and

13 (3) "Vendor" means a person who: (A) Provides services to a  
14 municipality under sections 2 to 4, inclusive, of this act; (B) operates,

15 maintains, leases or licenses an automated traffic enforcement safety  
16 device; or (C) is authorized to review and assemble the recorded  
17 images captured by the automated traffic enforcement safety device,  
18 provided none of these activities shall be construed by the state or a  
19 traffic authority as providing or participating in private investigative  
20 services.

21       Sec. 2. (NEW) (*Effective October 1, 2012*) (a) A municipality with a  
22 population greater than forty-eight thousand, with the authorization of  
23 its chief executive officer and legislative body, may authorize the use  
24 of automated traffic enforcement safety devices to enforce the  
25 provisions of section 14-299 of the general statutes, within such  
26 municipality. Such authorization shall expire on September 30, 2018.

27       (b) Any contract between a municipality enforcing an ordinance  
28 adopted under this section and a vendor shall not provide for payment  
29 to the vendor on a contingency basis.

30       (c) Before enforcing an ordinance adopted under this section, the  
31 municipality's police chief shall approve any proposed automated  
32 traffic enforcement safety device location, and the municipality shall  
33 install advance warning signs along all approaches of the roadways  
34 preceding the intersection at which an automated traffic enforcement  
35 safety device is located. The advance warning signs shall (1) notify  
36 motorists of the existence of the automated traffic enforcement safety  
37 device, and (2) be located not less than one hundred feet and not more  
38 than one hundred ten feet from such intersection.

39       (d) Any ordinance adopted under this section shall specify that: (1)  
40 The owner of a motor vehicle commits a violation of the ordinance if  
41 the automated traffic enforcement safety device produces a recorded  
42 image or images of a motor vehicle or a motor vehicle being drawn by  
43 another motor vehicle proceeding through an intersection in violation  
44 of the provisions of section 14-299 of the general statutes; (2) the owner  
45 of a motor vehicle establishes a defense if the person identified as  
46 having the care, custody or control of the motor vehicle, or identified

47 as the operator of the motor vehicle at the time of the violation, is not  
48 the owner; (3) payment of a penalty and associated costs and fees  
49 imposed for a violation of an ordinance adopted under this section  
50 may be made by electronic means; and (4) a designated employee of a  
51 vendor and a local police officer shall review and approve the  
52 recorded image or images before the notices referred to in subsection  
53 (f) of this section are mailed to the owner of the motor vehicle or the  
54 motor vehicle being drawn by another motor vehicle.

55 (e) An ordinance adopted under this section: (1) Shall impose a civil  
56 penalty of not more than fifty dollars; (2) may impose fees associated  
57 with the electronic processing of the payment of the civil penalty  
58 imposed for a violation of such ordinance, provided such fees do not  
59 exceed fifteen dollars; and (3) shall provide that the civil penalty  
60 imposed for a violation of such ordinance may be applied to defray the  
61 costs of the installation, operation and maintenance of the automated  
62 traffic enforcement safety device and program.

63 (f) The municipality or its authorized agent shall mail to the owner  
64 of a motor vehicle or a motor vehicle being drawn by another motor  
65 vehicle committing a violation of an ordinance adopted pursuant to  
66 this section, notice of the ordinance violation by first class mail  
67 postmarked not later than thirty days after obtaining the name and  
68 address of the owner of the motor vehicle, but not more than sixty  
69 days after the date of the alleged violation. The notice shall include: (1)  
70 The name and address of the owner of the motor vehicle or the motor  
71 vehicle being drawn by another motor vehicle; (2) the license plate  
72 number of the motor vehicle or the motor vehicle being drawn by  
73 another motor vehicle; (3) the violation charged; (4) the location of the  
74 intersection and the date and time of the violation; (5) a copy of or  
75 information on how to view, through electronic means, the recorded  
76 image described in this section; (6) a statement or electronically-  
77 generated affirmation by a designated employee of a vendor, or local  
78 police officer, who has reviewed the recorded image described in this  
79 section and determined that the motor vehicle violated the ordinance;

80 (7) the amount of the civil penalty imposed for the violation; and (8)  
81 the date by which the civil penalty shall be paid if the owner of the  
82 vehicle does not choose to contest the violation and chooses to avoid  
83 paying court costs. The date by which the civil penalty shall be paid  
84 shall be not later than thirty days after the issuance date of the  
85 violation if a defense described in this section does not apply or forty-  
86 five days after the issuance date of the violation if a defense described  
87 in this section requires the notice to be sent to another person.

88 (g) Any challenge to the implementation of an automated traffic  
89 enforcement safety device or adoption of an ordinance under this  
90 section shall be brought within thirty days of passage of the ordinance.

91 (h) It is a defense in a proceeding to enforce an ordinance adopted  
92 under this section if the owner provides to the municipality, or agent  
93 for the municipality, an affidavit signed under the penalties of perjury  
94 which: (1) Establishes that, at the time of the alleged violation, the  
95 owner was engaged in the business of renting or leasing motor  
96 vehicles under written agreements; (2) establishes that, at the time of  
97 the alleged violation, the motor vehicle was in the care, custody or  
98 control of a person other than the owner or an employee of the owner  
99 of the motor vehicle or the vehicle being drawn by another motor  
100 vehicle, under a written agreement for the rental or lease of the motor  
101 vehicle or the vehicle being drawn by another motor vehicle, for a  
102 period of not more than sixty days; and (3) provides to the traffic  
103 authority, court or agent for the municipality the name and address of  
104 the person who was renting or leasing the motor vehicle or the vehicle  
105 being drawn by another motor vehicle at the time of the alleged  
106 violation.

107 (i) If the owner of a motor vehicle or a vehicle being drawn by  
108 another motor vehicle meets the requirements of subsection (h) of this  
109 section, the traffic authority, court or agent for the local municipality  
110 shall mail, or electronically transfer, a notice of the citation to the  
111 person identified as having the care, custody or control of the motor

112 vehicle or the vehicle being drawn by another motor vehicle at the  
113 time of the violation. The proof required under subsection (h) of this  
114 section creates a rebuttable presumption that the person having the  
115 care, custody or control of the motor vehicle or the vehicle being  
116 drawn by another motor vehicle at the time of the violation was the  
117 operator of the motor vehicle at the time of the violation. The notice  
118 required under this subsection shall contain the following: (1) The  
119 information described in subsection (f) of this section; (2) a statement  
120 that the person receiving the notice was identified by the owner of the  
121 motor vehicle or the vehicle being drawn by another motor vehicle as  
122 the person having the care, custody or control of the motor vehicle at  
123 the time of the violation; and (3) a statement that a person may offer a  
124 defense as described in this subsection, or in subsection (h) or (j) of this  
125 section.

126 (j) It is a defense to a proceeding to enforce an ordinance adopted  
127 under this section if the owner provides to the traffic authority or court  
128 an affidavit signed under penalty of perjury stating either of the  
129 following: (1) That the owner was not operating the motor vehicle or  
130 the motor vehicle drawing another vehicle at the time of the alleged  
131 violation and provides the name and address of the person operating  
132 the motor vehicle or the motor vehicle drawing a vehicle at the time of  
133 the alleged violation; or (2) that either: (A) The motor vehicle, or (B) the  
134 license plate of the motor vehicle or the vehicle being drawn by  
135 another motor vehicle, was stolen before the alleged violation occurred  
136 and was not under the control or possession of the owner at the time of  
137 the alleged violation. In addition to such affidavit, the owner shall  
138 submit proof that a police report was filed concerning the stolen motor  
139 vehicle or stolen license plate.

140 (k) If the owner of a motor vehicle or a vehicle being drawn by  
141 another motor vehicle submits the evidence required under subsection  
142 (j) of this section, the traffic authority, court or agent for the local  
143 municipality shall mail a notice of the citation to the person identified  
144 as the person operating the motor vehicle at the time of the violation.

145 The proof required under subsection (j) of this section creates a  
146 rebuttable presumption that the person identified in the affidavit  
147 required under subsection (j) of this section was the operator of the  
148 motor vehicle at the time of the violation. The notice required under  
149 this subsection shall contain the following: (1) The information  
150 described in subsection (f) of this section; and (2) a statement that the  
151 person receiving the notice was identified by the owner of the motor  
152 vehicle as the person operating the motor vehicle at the time of the  
153 violation.

154 (l) It is a defense to a proceeding to enforce an ordinance adopted  
155 under this section if any of the following apply: (1) A person operating  
156 an authorized emergency vehicle may proceed past a red traffic control  
157 signal or traffic control device after slowing down as necessary for safe  
158 operation; (2) the traffic signal lights are not operating, and such is able  
159 to be observed on the recorded image; (3) the operator was complying  
160 with a lawful order or direction of a law enforcement officer, and such  
161 is able to be observed on the recorded image; (4) the operator was  
162 yielding right-of-way to an authorized emergency vehicle, and such is  
163 able to be observed on the recorded image; (5) the vehicle was  
164 participating in a funeral procession, and such is able to be observed  
165 on the recorded image; or (6) a traffic citation was issued to the  
166 operator of the motor vehicle for the violation by a state or local police  
167 officer.

168 (m) A designated employee or local police officer is not liable for  
169 any loss while acting within the scope of the employment of the  
170 designated employee or local police officer under this section or an  
171 ordinance adopted under this section.

172 (n) If it appears from the records of the local authority that has  
173 jurisdiction to enforce an ordinance adopted under this section that a  
174 person has failed to pay a violation before the deadlines established by  
175 this section without notification of an intent to contest the violation,  
176 the local authority shall send a notice to the person who is the

177 registered owner of the motor vehicle or the vehicle being drawn by  
178 another motor vehicle that such person has an outstanding unpaid  
179 assessment.

180 (o) The chief executive officer of a municipality shall appoint one or  
181 more traffic control signal violation hearing officers, other than police  
182 officers or persons who work in the police department, to conduct the  
183 hearings authorized by this section.

184 (p) Any person who asserts a defense authorized by this section and  
185 who requests a hearing shall be given written notice of the date, time  
186 and place for the hearing. Such hearing shall be held not less than  
187 fifteen days or more than thirty days after the date of the mailing of  
188 notice, provided the hearing officer shall grant, upon good cause  
189 shown, any reasonable request by any interested party for  
190 postponement or continuance. An original or certified copy of the  
191 initial notice of violation shall be filed and retained by the  
192 municipality, be deemed to be a business record within the scope of  
193 section 52-180 of the general statutes and be evidence of the facts  
194 contained therein. A person wishing to contest such person's liability  
195 shall appear at the hearing and may present evidence on such person's  
196 behalf. The presence of the police officer who authorized the issuance  
197 of the citation shall be required at the hearing if such person so  
198 requests. A designated municipal official, other than the hearing  
199 officer, may present evidence on behalf of the municipality. If the  
200 person who requested the hearing fails to appear, the hearing officer  
201 may enter an assessment by default against such person upon a  
202 finding of proper notice and liability under the applicable ordinance or  
203 statute. The hearing officer may accept from such person copies of  
204 police reports, documents of the Department of Motor Vehicles and  
205 other official documents by mail and may determine thereby that the  
206 appearance of such person is unnecessary. The hearing officer shall  
207 conduct the hearing in the order and form and with such methods of  
208 proof as the hearing officer deems fair and appropriate. The rules  
209 regarding the admissibility of evidence shall not be strictly applied,

210 but all testimony shall be given under oath or affirmation. The hearing  
211 officer shall announce the hearing officer's decision at the end of the  
212 hearing. If the hearing officer determines that the person is not liable,  
213 the hearing officer shall dismiss the matter and enter the hearing  
214 officer's determination in writing accordingly. If the hearing officer  
215 determines that the person is liable for the violation, the hearing officer  
216 shall forthwith enter and assess the fines, penalties, costs or fees  
217 against such person as provided by the applicable ordinances of the  
218 municipality.

219 Sec. 3. (NEW) (*Effective October 1, 2012*) Notwithstanding any  
220 provision of the general statutes, a violation of section 14-299 of the  
221 general statutes detected and recorded by an automated traffic control  
222 signal enforcement device pursuant to section 2 of this act shall not: (1)  
223 Constitute an infraction or violation; (2) be processed by the  
224 Centralized Infractions Bureau; (3) be considered a moving traffic  
225 violation; (4) be reported to the Department of Motor Vehicles for  
226 inclusion on a person's driving record; or (5) cause the assessment of  
227 points against the operator's license of the person found to have  
228 violated section 14-299 of the general statutes.

229 Sec. 4. (NEW) (*Effective October 1, 2012*) Not later than October 1,  
230 2017, or twelve months following the date of implementation of an  
231 automated traffic enforcement safety device program by a  
232 municipality, each municipality that has installed such a device and  
233 has been operating such a program shall submit a report to the joint  
234 standing committee of the General Assembly having cognizance of  
235 matters relating to transportation. Such report shall include a  
236 comparison and analysis of: (1) The number of violations of section 14-  
237 299 of the general statutes that occurred at the intersections where such  
238 automated traffic control signal enforcement devices were used, prior  
239 to and during the use of such enforcement devices; (2) the number and  
240 type of related traffic violations and accidents that occurred at such  
241 intersections prior to and during the use of such devices; and (3) the  
242 number of violations of section 14-299 of the general statutes and



243 related violations and accidents that occurred at intersections where  
244 such control signal enforcement devices were used and at similar  
245 intersections where such automated traffic control signal enforcement  
246 devices were not used. The report shall also describe situations in  
247 which (A) camera results could not be used or were not used; (B) the  
248 number of leased, out-of-state or other vehicles, including trucks,  
249 where enforcement efforts were unsuccessful; (C) the amount of  
250 revenue from fines retained by the municipality; (D) the cost of such  
251 program to the municipality; and (E) such other data or comparisons  
252 deemed of interest or importance by the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012</i>	New section
Sec. 3	<i>October 1, 2012</i>	New section
Sec. 4	<i>October 1, 2012</i>	New section

***Statement of Purpose:***

To authorize municipalities to use automated traffic enforcement safety devices.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*